

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
CHICAGO DIVISION**

In re:

Soon Ok Choi

AKA Soon O Choi

AKA Soon Ok Jung

Debtor.

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: **Case No.: 16-14014**
: **Chapter 13**
: **Judge Donald R. Cassling**
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OBJECTION TO CONFIRMATION OF PLAN (DOCKET NUMBER 13)

Now comes U.S. Bank National Association, as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee for Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-1 ("Creditor"), by and through its mortgage servicing agent Wells Fargo Bank, NA, by and through its attorneys, Manley Deas Kochalski LLC, and objects to confirmation of the Chapter 13 plan of Soon Ok Choi AKA Soon O Choi, AKA Soon Ok Jung ("Debtor"). For the reasons which follow, confirmation should be denied.

1. This Court has jurisdiction pursuant to 28 U.S.C. Section 1334 and venue is fixed in this Court pursuant to 28 U.S.C. Section 1409.

2. On April 25, 2016, Debtor filed a petition ("Petition Date") under Chapter 13 of Title of the United States Bankruptcy Code ("Bankruptcy Code") in the United States Bankruptcy Court for the Northern District of Illinois.

3. Creditor is secured by a first mortgage lien upon the Debtor's real property commonly known as 1204 Richmond Avenue, Westmont, IL 60559 ("Property"). The Property is the Debtor's principal residence.

MEMORANDUM IN SUPPORT OF OBJECTION

Pursuant to § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in *Nobleman v. American Savings Bank (In re Nobleman)*, 508 U.S. 324 (1993), the Debtor cannot modify the rights of a holder of a secured claim secured by an "interest in real property that is the debtor's principal residence." 11 U.S.C.A. § 1322(b)(2). As of the Petition Date, Creditor's claim was fully secured. Moreover, this collateral is the Debtor's principal residence.

The Debtor's Chapter 13 Plan provides for an inadequate arrearage amount. The amount of the arrearage provided for in the Chapter 13 Plan is \$60,591.00 and the amount that Creditor has calculated and intends to include in its claim is \$68,727.65.

Accordingly, Debtor cannot make the proposed modifications to Creditor's mortgage pursuant to § 1322(b)(2).

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

/s/ Todd J. Ruchman

Todd J. Ruchman (6271827)
Keith Levy (6279243)
Sarah E. Willms (28840-64)
Adam B. Hall (0088234)
Edward H. Cahill (0088985)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus OH 43216-5028
614-220-5611; Fax: 614-627-8181
Attorneys for Creditor
The case attorney for this file is Todd J.
Ruchman.
Contact email is
tjruchman@manleydeas.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Objection to Confirmation was served on the parties listed below via e-mail notification:

U.S. Trustee, Patrick S. Layng, Office of the United States Trustee, Region 11, 219 S. Dearborn Street, Room 873, Chicago, IL 60604

Glenn B. Stearns, 801 Warrenville Road, Suite 650, Lisle, IL 60532

James Haller, Attorney for Soon Ok Choi AKA Soon O Choi, AKA Soon Ok Jung, 5312 W Main, Belleville, IL 62226, belleville@tbcwam.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on June 14, 2016:

Soon Ok Choi AKA Soon O Choi, AKA Soon Ok Jung, 1204 Richmond Ave, Westmont, IL 60559

Ean Hie Choi and Soon Ok Choi AKA Soon O Choi, AKA Soon Ok Jung, 1204 Richmond Avenue, Westmont, IL 60559

/s/ Todd J. Ruchman
